

REMARKS

By the above actions, claims 1, 6, 7, 10, and 19 have been amended, claims 2, 4, and 18 cancelled and a new claim 20 added. Claims 12 and 13 remain withdrawn and should their presence be the only obstacle to approval of this application, then the Examiner is authorized to cancel these claims by Examiner's Amendment for purposes of passing this application for issuance as a patent. In view of these actions and the following remarks, reconsideration of this application is requested.

The Examiner's indication of allowable subject matter with respect to claims 6, 7, 10, 11, and 19 have been noted with appreciation. Based thereon, claims 6, 10 and 19 have been placed in independent form so that these claims and claims 11 which depend from claim 10 should be in condition for allowance and formal indication of their allowability is requested.

The objection to claim 18 has been obviated by the cancellation of this claim, so that this objection should now be withdrawn.

With regard to the indefiniteness rejection of claims 7 and 19, the "open on both sides" language found indefinite by the Examiner has been replaced by language referring to a pair of opposite sides. The new language is clear and definite so that this rejection should now be withdrawn and action to that effect is requested.

Claims 1, 4 and 9 have been rejected under 35 USC § 102 as being anticipated by the German '755 reference while claims 2, 3, 5, 8, and 16-18 were found to be unpatentable under § 103 based upon this reference. To the extent that these rejections relate to the claims as now presented, they are inappropriate for the following reasons.

As now amended, claim 1 is directed to a method as performed with a mold as shown in Fig. 2 and described in paragraph [0036], which is made of a diathermic material, that is closed in a gas-tight manner and with foaming being performed with a foil separating material between walls of the casting mould and the foamable material (see, paragraph [0039] as to the use of a graphite-containing foil). In special cases, it could be meaningful to cover the mold or casting mold material with a separating agent suited to the material to be foamed - this can be done either by coating the mold or by placing foils like fiber mats or material foils, like metal foils. As noted in paragraph [0026], the "separating material ... in foil form ... prevents reactions between the metal foam material and the casting mold, produces a structural surface in case of smooth mold surface and can also allow relative movement of the

metal foam relative to the mold, in case there is a separating foil.” It is also noted that what is meant by a diathermic material is defined in paragraph [00] of the specification in which it is specified that a diathermic material is a “material which is permeable for heat radiation, in this case, is radiation permeable in the range of approx. 760 - 5000 nm.”

As noted by the Examiner, there is no indication in the German ‘755 reference of the use of a diathermic material, and that is especially the case as such is defined by applicant, i.e., a material that is radiation permeable in the range of approx. 760 - 5000 nm, which is not the portion of the infrared range taught in the German reference. Moreover, the German ‘755 reference teaches the use of a protective ceramic layer applied to the mold by PVD, evaporation or sputtering, not a foil separating material which, as quoted above provides the additional benefit of allowing movement of the metal foam relative to the mold. Furthermore, there appears to be no mention of the mold being pressure tight.

Thus, the German ‘755 reference cannot be considered to render the subject matter of claim 1 obvious let alone anticipate same. Accordingly, withdrawal of the rejections §§ 102 and 103 based upon the German ‘755 reference is in order and is hereby requested.

Furthermore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,



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